

1 BILL NO. G-77-06- 40

2 GENERAL ORDINANCE NO. G- Last

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
a certain right-of-way.

5
6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. Petition for the vacation of a certain
9 right-of-way having been filed with the Fort Wayne City Plan
10 Commission in accordance with Section 44, Chapter 174, of the
11 Acts of the General Assembly of the State of Indiana, as amended
12 by Section 3, Chapter 385, of the Acts of 1963 of the General
13 Assembly of the State of Indiana (I. C. 18-7-5-46), the
14 Thoroughfare Plan as set forth in Gneeral Ordinance No. G-97
15 adopted by the Common Council of the City of Fort Wayne on November
16 26, 1963, is amended by deleting the following right-of-way,
17 to-wit:

18 The East 40 feet of the present City of
19 Fort Wayne 100 foot right-of-way that is
20 immediately adjacent to the Western bound-
21 ary line of Lots 13 through Lots 26 in
22 St. Joe Garden's Addition according to the
23 recorded plat thereof, said 40 foot most
24 Eastern portion of said right-of-way to
be vacated from the Northern boundary line
of Lot 13 to the Southern boundary line of
Lot 26 in St. Joe Garden's Addition accord-
ing to the recorded plat thereof, Allen
County, Indiana.

25 SECTION 2. After passage of this Ordinance, approval by
26 the Mayor and legal publication, a duly certified copy of this
27 Ordinance, of the recommendation of the Fort Wayne City Plan
28 Commission, and of the action of the Mayor, shall be transmitted
29 by the City Clerk to the Board of Public Works of the City of Fort
30 Wayne, Indiana.

31 SECTION 3. This Ordinance shall be in full force and
32 effect from and after its passage, approval by the Mayor and
33 legal publication thereof.

34
35 APPROVED AS TO FORM
AND LEGALITY.

Virian H. Schmidt
Councilman

H. Schmidt
CITY ATTORNEY

Read the first time in full and on motion by J. Debnath, seconded by

Hingga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock M., E.S.T.

DATE: 6-28-77

Charles W. Stetson

CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hingga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>8</u>	_____	<u>1</u>	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>HINGA</u>	_____	<u>X</u>	_____	_____	_____
<u>HUNTER</u>	_____	<u>X</u>	_____	_____	_____
<u>MOSES</u>	_____	<u>X</u>	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	<u>X</u>	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>X</u>	_____	_____	_____

DATE: 12-13-77

Charles W. Stetson

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. _____ on the _____ day of _____, 19_____.
ATTEST: (SEAL)

Charles W. Stetson

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock M., E.S.T.

Charles W. Stetson

CITY CLERK

Approved and signed by me this _____ day of _____, 19_____,
at the hour of _____ o'clock M., E.S.T.

Charles W. Stetson

MAYOR

Bill No. G-77-06-40

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain right-of-way

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Do Not PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. NOSES, JR. - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD SCHMIDT

SAMUEL J. TALARICO

12-13-77 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK

Vivian G. Schmidt
Winfield C. Noses Jr.
William T. Hinga
Donald Schmidt
Samuel J. Talarico



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

COMMUNICATIONS FROM CITY PLAN COMMISSION - NOV. 16, 1977

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission
on one (1) ordinance concerning the vacation of a portion of street
right-of-way.

The proposed ordinance is designated as:

BILL NO: G-77-06-40

Respectfully submitted,
CITY PLAN COMMISSION

Certified and signed this
16th day of November, 1977.

Joseph N. Adair

Joseph N. Adair
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

November 16, 1977

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one street vacation acted upon by the City Plan Commission at their regular meeting held July 25, 1977. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-77-06-40
2. Intended Use: Vacated street right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The excess street right-of-way serves as riverbank open space. Therefore, it should be preserved. It also provides a public connection to Shoaff Park along the river..

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Community Development & Planning
Division of Long Range Planning
and Zoning

Gary A. Baeten
Gary A. Baeten
Land Use Administrator

GFB: Jg
ATT.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 28, 1977, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-77-06-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

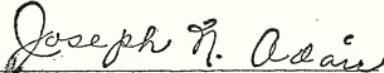
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1977;

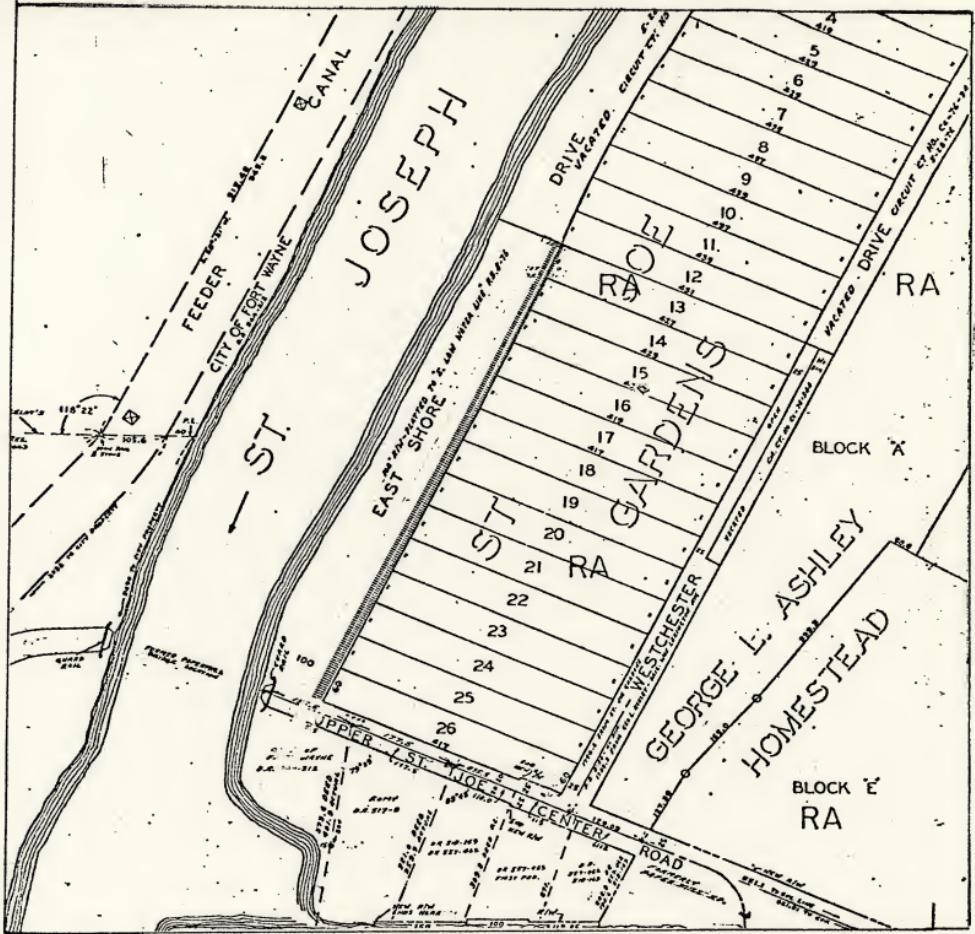
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1977.

Certified and signed this
16th day of November, 1977.


Joseph N. Adair
Secretary



PART OF STREET TO BE VACATED

MAP NO. E-19

G-77-06-40

6-17-77
M.F.C.

PETITION TO VACATE PORTION OF CITY'S RIGHT-OF-WAY

TO: City Plan Commission, City of Fort Wayne,
Allen County, Indiana

Board of Public Works, City of Fort Wayne,
Allen County, Indiana

The undersigned Petitioners, do hereby respectfully petition the Fort Wayne City Plan Commission and the Board of Public Works to vacate the following portion of the City's right-of-way, located within the City of Fort Wayne, Indiana, and hereby described as follows:

The East 40 feet of the present City of Fort Wayne 100 foot right-of-way that is immediately adjacent to the Western boundary line of Lots 13 through Lots 26 in St. Joe Garden's Addition according to the recorded plat thereof, said 40 foot most Eastern portion of said right-of-way to be vacated from the Northern boundary line of Lot 13 to the Southern boundary line of Lot 26 in St. Joe Garden's Addition according to the recorded plat thereof, Allen County, Indiana.

In support of your Petitioner's request, they represent as follows:

1. That they are the owners of the real estate abutting the East side of said right-of-way, and that the West side of said right-of-way is bordered by the St. Joseph River;
2. That the request submitted herein is only for a vacation of 40 feet of said 100 foot right-of-way and that vacation of said 40 feet from the Northern boundary line of Lot 13 to the Southern boundary line of Lot 26 in St. Joe Garden's Addition will not, in any way, interfere with the utilization and maintenance by the City of Fort Wayne of the street commonly referred to as East Shore Drive in that said 40 feet portion is unused at this time and is not needed by the City of Fort Wayne due to the fact that the remaining portion of said right-of-way (i.e., 60 feet) would provide sufficient footage for the maintenance and utilization of said East Shore Drive;

3. That the vacation, as requested herein, would not, in any way, hamper the ingress or egress to any other properties whatsoever;
 4. That said 40 foot portion is presently being maintained by your Petitioners as an adjunct to their front yards;
 5. That no other persons, firms, or corporations are interested in or affected by the requested vacation;
 6. That your Petitioners will do all things required of them to see to it that any and all easements for utility purposes and otherwise are protected and/or preserved, even though this vacation would be granted to them;
 7. That East Shore Drive, in its entirety, has been vacated from Lot 12 North to Lot 1 of St. Joe Garden's Addition;
 8. That the maintenance of said 40 foot portion is not necessary or advantageous to the growth to the City of Fort Wayne, and that it would be in the best interest of the City of Fort Wayne and the citizens thereof to vacate said 40 foot portion, as requested herein; and
 9. That your Petitioners file this Petition pursuant to authority granted to them in I. C. 1971, 18-7-5-46 so that said vacation may be completed, as aforesigned.

WHEREFORE, your Petitioners pray that the above-described 40 foot portion be vacated according to the provisions of Indiana Law pertaining thereto.

Dated this _____ day of _____, 1977.

Mrs & Mrs G. H. Johnson Petitioner Lot No. 13-14 - 15

Ames & Son, Inc., Petitioner Lot No. 15-16-17

Mrs. M. T. Johnson Petitioner Lot No. 17-18

Mr & Mrs R H McAdam
Petitioners Lot No. 19-20

Mrs & Mrs Arthur Hamm

Petitioner

Lot No. 22-23

Mrs & Mrs Stan McAllif

Petitioner

Lot No. 24-25-26

Mrs & Mrs William L. Snyder

Petitioner

Lot No. 20-21

Petitioner

Lot No. _____

Petitioner

Lot No. _____

Petitioner

Lot No. _____

GROTRIAN & BOXBERGER
By: Bruce O. Boxberger
Attorneys for Petitioners
Suite 200 - Metro Building
Fort Wayne, Indiana 46802
Tele: (219) 423-3595

Number assigned by Bill Salin's office: # 3606 Admn. Appr.

DIGEST SHEET

G-77-06-40.

TITLE OF ORDINANCE Right-of-way ~~fragment~~ Vacation

DEPARTMENT REQUESTING ORDINANCE CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following described right-of-way.

The east 40 feet of the present City of Fort Wayne 100 foot right-of-way that is immediately adjacent to the Western boundary line of Lots # 13 thru Lot # 26 in St. Joe Garden's Addition according to the recorded plat thereof, said 40 foot most Eastern portion of said right-of-way to be vacated from the Northern boundary line of Lot # 13 to the Southern boundary line of Lot # 26 in St. Joe Garden Addition according to the recorded plat thereof, Allen County, Indiana.

EFFECT OF PASSAGE If vacated, this right-of-way will be utilized by the abutting property owners.

EFFECT OF NON-PASSAGE Right-of-way will remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)

Regulation